

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Chapin, et al.

Art Unit: 3721

Serial No.: 10/043,662

Dkt. #: END920010017 (IBME-0032)

Filed: 01/09/2002

Examiner: Huynh, L.

Title: ORIENTING AND STACKING
PARTS

Commissioner For Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Restriction Requirement dated February 28, 2003. Claims 1-20 are pending in this application. Applicants hereby provisionally elect Group I, claims 1 - 10, with traverse. Prompt examination on the merits is respectfully requested.

In the Restriction Requirement, the Office asserts that the invention as defined in Group I is distinct from the invention as defined in Group III. While Applicants disagree with this conclusion, they submit that there are other more significant grounds that justify searching the two Groups together. In particular, Applicants submit that the subject matter of Groups I and III are sufficiently related that a thorough search for the subject matter of the Group I invention would encompass a search for the subject matter of the Group III invention. More specifically, Applicants submit the subject matter of claims 15-20 substantially correspond to claims 7, 1, 9, 2, 3 and 7 (again), respectively. Thus, it is respectfully submitted that the search and examination of Group I will encompass all of the subject matter of Group III, and thus a search

10/064,316

1

for both Groups could be made without serious burden. See MPEP § 803 in which it is stated: "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examining by the Patent Office.

Should the Examiner require anything further from Applicants, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



Spencer K. Warnick
Reg. No. 40,398

Date: 3/5/03

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

10/064,316

2

HOFFMAN, WARNICK & D'ALESSANDRO LLC

Intellectual Property Law
www.hwdpatents.com

Michael F. Hoffman
Spencer K. Warnick
Ronald A. D'Alessandro

FACSIMILE TRANSMISSION

FOR: PTO Group Art Unit 3721
FROM: Spencer K. Warnick - Reg. No. 40,398
DATE: 3/5/2003

NUMBER OF PAGES TO FOLLOW: -2-

DESTINATION FACSIMILE NUMBER: 703-872-9302

FAX RECEIVED

MAR 05 2003

NOTE: Serial No.: 10/043,662
Filing Date: 1/9/2002
Docket No.: END920010017US1
Examiner: Huynh, L.
Our File: IBME-0032

Attached: Response to Restriction Requirement in 2 pages

GROUP 3700

If you do not receive the entire transmission, please call (518) 449-0044.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

WENDY E. THOMPSON
Type or print name of person signing certification
Wendy E. Thompson 3/5/03
Signature Date

NOTE: The information contained in or attached to this facsimile is attorney's PRIVILEGED AND CONFIDENTIAL information intended only for the person or entity named above. If you are not the intended recipient or someone responsible for delivering it to the intended recipient, please be aware that any copying or dissemination of this communication is STRICTLY PROHIBITED. If you receive this communication in error, please notify us at the telephone number listed above.